

AMENDED IN SENATE APRIL 18, 2002

SENATE BILL

No. 1357

Introduced by Senator Vincent

February 6, 2002

An act to amend Section ~~5974~~ 5971 of the Penal Code, relating to pet shops.

LEGISLATIVE COUNSEL'S DIGEST

SB 1357, as amended, Vincent. Pet shops.

Under existing law, a pet shop operator must carry out specified duties with respect to the care, sale, trade, and adoption of pet animals. A pet shop operator's failure to carry out these duties is punishable by a fine of not to exceed \$1,000, or by imprisonment in the county jail for not more than 90 days, or by both the fine and imprisonment.

This bill would ~~add to the duties that a pet shop owner must carry out the duty of providing written instructions with each sale of an animal for the care, housing, equipment, cleaning, environment, and feeding of that animal~~ *require private or public retail sellers of pet animals to provide buyers with written recommendations for the appropriate care of the class of pet animal sold. This bill would also provide that charges brought against a seller of pet animals who violate these provisions may be dismissed if proof of compliance is shown, as specified. This bill would provide that second or subsequent violations would be infractions punishable by a fine.* By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597l of the Penal Code is amended to
2 read:

3 597l. (a) It shall be unlawful for any person who operates a
4 pet shop to fail to do all of the following:

5 (1) Maintain the facilities used for the keeping of pet animals
6 in a sanitary condition.

7 (2) Provide proper heating and ventilation for the facilities
8 used for the keeping of pet animals.

9 (3) Provide adequate nutrition for, and humane care and
10 treatment of, all pet animals under his or her care and control.

11 (4) Take reasonable care to release for sale, trade, or adoption
12 only those pet animals that are free of disease or injuries.

13 (5) Provide adequate space appropriate to the size, weight and
14 specie of pet animals.

15 ~~(6) Provide written instructions with each sale of a vertebrate~~
16 ~~or invertebrate animal for the proper care, housing, equipment,~~
17 ~~cleaning, environment, and feeding of that animal.~~

18 ~~(b)~~
19 (b) (1) Sellers of pet animals shall provide buyers of a pet
20 animal with general written recommendations for the appropriate
21 care of the class of pet animal sold, that include recommendations
22 as to the housing, equipment, cleaning, environment, and feeding
23 of the animal. This written information shall be in a form
24 determined by the sellers of pet animals and may include
25 references to Web sites, books, pamphlets, videos, and compact
26 discs.

27 (2) This subdivision shall apply to any private or public retail
28 business that sells pet animals to the public.

29 (3) Charges brought against a seller of pet animals for a first
30 violation of the provisions of this subdivision shall be dismissed
31 when the person charged produces in court satisfactory proof of
32 compliance. A second or subsequent violation is an infraction
33 punishable by a fine not to exceed two hundred fifty dollars (\$250).

(c) As used in this section, the following terms have the following meanings:

(1) “Pet animals” means dogs, cats, monkeys, and other primates, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles, and any other species of animal sold or retained for the purpose of being kept as a household pet.

(2) “Pet shop” means every place or premises where pet animals are kept for the purpose of either wholesale or retail sale.

“Pet shop” does not include any place or premises where pet animals are occasionally sold.

~~(e)~~

(d) Any person who violates any provision of ~~this section~~ *subdivision (a)* is guilty of a misdemeanor and is punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than 90 days, or by both that fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

